Datatreasury Corporation v. Wells Fargo & Company et al Doc. 404

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA TREASURY CORP.	§	
	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL ACTION NO. 2:06-CV-72 (DF)**
	§	
WELLS FARGO & COMPANY, et al.	§	
	§	
	§	
Defendants.	§	

ORDER

On January 10, 2007, the Court held a hearing in three related cases concerning Defendants' Motions to Stay and Plaintiff's Motion to Consolidate. *See* Civil Action No. 2:05-CV-291; Civil Action No. 2:05-CV-292; Civil Action No. 2:05-CV-293. Following that hearing the Court issued an order granting Defendants' motion to stay those actions during the pendency of the reexamination proceedings currently before the United States Patent and Trademark Office. *See, e.g.*, Civil Action No. 2:05-CV-291, Doc. No. 96. Given the fact that the stay was issued, the Court also dismissed the Plaintiff's Motion to Consolidate without prejudice to refiling after a further Office Action in the reexamination proceeding and the lifting of the stay entered by the Court in those cases. Because the Plaintiff's Motion to Consolidate also concerns this case and is filed therein (Doc. No. 125), the Court ORDERS that Plaintiff's Motion to Consolidate is **DISMISSED WITHOUT PREJUDICE** to refiling after a further Office Action in the reexamination proceeding currently pending before the

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United States Patent and Trademark Office and the lifting of the stay entered by the Court in Civil Action Nos. 2:05-CV-291; 2:05-CV-292; 2:05-CV-293.

IT IS SO ORDERED.

SIGNED this 11th day of January, 2007.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE